

**To:** Way, Steven[way.steven@epa.gov]  
**From:** Ostrander, David  
**Sent:** Mon 11/2/2015 7:44:28 PM  
**Subject:** FW: SEPW QFRs from Sept. 16, 2015 GKM hearing

Here is where I got to on the questions. Please keep your answers direct and to the point.

Thanks for your help.

**From:** Russo, Rebecca  
**Sent:** Monday, November 02, 2015 11:30 AM  
**To:** Ostrander, David; Murray, Bill; Wharton, Steve  
**Cc:** Card, Joan  
**Subject:** FW: SEPW QFRs from Sept. 16, 2015 GKM hearing

David, Bill, and Steve,

Based on further input from Bill and Steve, here's a revised list of assigned questions.

Please let me know if you can respond to each of the questions assigned to you by COB today or noon tomorrow at the latest.

Thanks,

Rebecca

### **QUESTIONS FOR DAVID O.**

NEW: David: Bill says the removal part of this question is for you.

1. Please provide a list of all inactive or abandoned mine sites across the country where EPA has led or overseen non-EPA lead removal or remedial actions between January 2009 and the present date. For each site, please identify: (a) whether the cleanup action was designated as an (i) emergency removal, (ii) time-critical removal, (iii) non-time critical removal; or (iv) remedial action; (b) the date when the contractor mobilized to carry out the removal or remedial action; (c) the lead agency or entity overseeing the cleanup; (d) a summary of the current status of cleanup work at the site including; (e) whether (i) the site has been included on the National Priorities List or (ii) is under consideration for inclusion; (f) whether the site included a collapsed mine portal or adit and, if so, (ii) whether hydrological pressure was tested to determine the risk of a potential blowout and, if so, (iii) how pressure was tested; (g) (i) an estimate of the flow of mine water or acid mine drainage from the site, (ii) whether such water or drainage is or will be treated, and (iii) whether the flow or drainage is subject to a federal or state discharge permit; (h) EPA's costs to date for cleanup; and (i) (i) the name of any contractor performing or assisting with the removal, (ii) the contract number, and (iii) and the amount paid to the contractor to date.

3. According to the March 20, 2013, Removal Site Evaluation for the Red and Bonita Mine, a well was drilled from above the collapsed entrance to test for water pressure. (a) How much did it cost to drill the test well and perform the water pressure test at the Red and Bonita Mine? (b) The September 24, 2014, action memorandum approving funding for a removal action at the Red and Bonita Mine estimates that the removal work at the Red and Bonita Mine site would cost about \$1.7 million. Does that figure include the costs for performing any work at the Gold King Mine site?

Drilling costs for the Red and Bonita were \$xxx. The removal action at the Red and Bonita did not include any costs for the Gold King Mine.

4. The August 8, 2015 Summary Report of EPA's Internal Review of the Gold King Mine Blowout states that EPA and its contractors were unable to drill a well at the Gold King Mine site to test water pressure at the collapsed mine entrance because of the time, cost, and site conditions. Please explain how similar site conditions, timing, and cost considerations did not prevent drilling a test well at the Red and Bonita Mine site.

The site conditions at the Gold King Mine were very different in terms of terrain, geologic conditions and slope stability. The ability to access a location to drill the Gold King Mine was very questionable. The steep terrain, the sink hole above the adit and other factors made any decision to drill the Gold King Mine much more difficult to accomplish.

5. The removal action at the Red and Bonita Mine (including the action at the Gold King Mine site) was designated as time-critical. However, investigative work at the site began around 2010, the collapsed mine portal was rebuilt in 2013, and work to install a bulkhead was approved in 2014. Please explain why the Red and Bonita Mine site was designated as "time-critical" when work at the site has been conducted over several years and is ongoing. In your response, please identify applicable statutory requirements, regulations, policies, and guidance documents

concerning the factors used to designate a removal as time-critical as opposed to non-time-critical.

EPA has conducted the work to reopen mine portals and evaluate the technical feasibility of installing a bulkhead as investigative work under CERCLA 104(b). Once the evaluation is completed, a decision to conduct a time critical removal action is documented in an action memo. For Red and Bonita, this decision was to install a bulkhead. Although classified as time critical, removal actions may take longer to complete than 6 months. The time critical nature is related to the decision to initiate an action, not how long it takes to complete.

6. In early 2011, the owner of the Gold King Mine, the Mogul Mine, and Part of the Red and Bonita Mine (Todd Hennis, doing business as the San Juan Corp.) apparently withdrew permission for EPA to access the mine sites. In May 2011, EPA issued an order under CERCLA to obtain access to the Red and Bonita, Gold King, and Mogul mines to conduct field investigation, drill holes and install monitoring wells, and take soil and water samples. Please describe what, if any holes were drilled and monitoring wells installed, and water samples taken at the Gold King Mine site pursuant to this order.

The access order was described broadly so that EPA could conduct anticipated or unanticipated actions on property owned by San Juan Corp. EPA only collected samples from the Gold King and conducted preliminary access and grading work at the Gold King Mine.

7. An Engineering Evaluation/Cost Analysis (EE/CA) is required for non-time-critical removal actions. As the removal action at the Red and Bonita Mine (and the Gold King Mine) was designated as “time-critical,” no such EE/CA was required to be conducted. Please describe whether any engineering assessment was performed at the Red and Bonita Mine (and the Gold King Mine) to assess the safety of the work site.

The EE/CA term as used in the National Oil and Hazardous Substances Contingency Plan describes the requirement to evaluate alternatives in selecting a removal action and does not refer to any specific engineering evaluation. Engineering

8. In May 2015, Environmental Restoration, LLC (EPA’s contractor) developed a work plan for the Gold King mine that stated, in part, “[c]onditions may exist that could result in a blow-out of the blockages and cause a release of large volumes of contaminated mine waters and sediment from inside the mine, which contain concentrated heavy metals.” To address the water volume, Environmental Restoration planned to install a pipe (called a “stinger”) through the collapsed mine entrance so water could be pumped and treated. Please describe the process used by EPA to evaluate the technical merits and safety of this work plan, including whether any of the EPA personnel who participated in this review (a) were mining engineers and (b) personnel from the Office of Emergency Management participated in reviewing and/or approving the work plan.

10. Please explain why the Health and Safety Plan at page 22 refers to the "Concord Chemical Site" instead of the Red and Bonita Mine or Gold King Mine sites.

11. Although the health and safety plan for the Red and Bonita Mine site stated that a satellite phone would be available for emergency communication purposes, no such device was present at the Gold King Mine site, and workers there were unable to notify the National Response Center or emergency personnel from the blowout location. What are the requirements, policies, and procedures concerning the deployment and use of communication equipment, including satellite phones, for emergency notification purposes by on-scene coordinators and other EPA or contractor staff performing removal actions?

A satellite phone was not up at the GKM site but one was at the Red and Bonita site just less than 500 feet below the GKM. There were personnel at the Red and Bonita site on "toplander" or "mine rescue" mode because personnel were working underground that had the satellite phone. Personnel working at the GKM site were in constant radio communication with personnel at the Red and Bonita and others working down below the site. There was no cell phone reception at GKM. Satellite phone reception is spotty at best and not reliable at the GKM site because the gulch is very narrow and reception is only available for a short duration when a satellite is overhead. Radio communications have proven to be most reliable in the area. In fact reporting to the NRC was accomplished in a very timely manner via radio communications to personnel below who were able to get in cell phone range quickly and make the report. For safety purposes OSC's and contractors are always required to implement the most effective communication system practicable for the site. At the GKM site there was no breakdown in the communications links. All communications worked in a timely manner.

rus

24. Under CERCLA section 119, EPA may indemnify contractors for damages caused by negligence of a contractor working on a removal action. Did EPA indemnify any of the contractors working at the Gold King Mine site?

**QUESTIONS FOR EPR (Sandy Stavnes and Steve Wharton):**

1. Please provide a list of all inactive or abandoned mine sites across the country where EPA has led or overseen non-EPA lead removal or remedial actions between January 2009 and the present date. For each site, please identify: (a) whether the cleanup action was designated as an (i) emergency removal, (ii) time-critical removal, (iii) non-time critical removal; or (iv) remedial action; (b) the date when the contractor mobilized to carry out the removal or remedial action; (c) the lead agency or entity overseeing the cleanup; (d) a summary of the current status of cleanup work at the site including; (e) whether (i) the site has been included on the National

Priorities List or (ii) is under consideration for inclusion; (f) whether the site included a collapsed mine portal or adit and, if so, (ii) whether hydrological pressure was tested to determine the risk of a potential blowout and, if so, (iii) how pressure was tested; (g) (i) an estimate of the flow of mine water or acid mine drainage from the site, (ii) whether such water or drainage is or will be treated, and (iii) whether the flow or drainage is subject to a federal or state discharge permit; (h) EPA's costs to date for cleanup; and (i) (i) the name of any contractor performing or assisting with the removal, (ii) the contract number, and (iii) and the amount paid to the contractor to date.

17. Were you (Administrator McCarthy) aware of the issues involving the Bureau of Reclamation's Leadville Mine Drainage Tunnel when you decided to request the Department of the Interior to conduct the independent review of the Gold King Mine spill?

22. Concerns have been raised by downstream water users that they were not given timely notice of the blowout and the potential risks associated with the flow of contaminated water. What steps, if any, did EPA take to ensure that downstream entities, including state, county, local and Tribal governments, water and irrigation districts, and agricultural users, were properly notified of the blowout? In your response, please specify when and how EPA provided notice to the Navajo Nation and the Southern Ute Nation.

EPA through radio communications was able to alert workers from the state who were in the area. These workers were able to reach local officials in San Juan County on their way into cell phone range. They called the NRC and the state spill line, where notifications were made within a matter of a few hours to local jurisdictions and water users downstream. Local officials assisted in notifying irrigation districts and water users in their jurisdiction. EPA Region 8 made notifications to our neighboring Regions 6 and 9 mid-day August 6<sup>th</sup>, days before the discharge reached New Mexico or the Navajo Nation.

Rebecca A. Russo

Region 8 Congressional and Intergovernmental Liaison

Office: 303-312-6757

Cell: 303-204-1930

**From:** McGrath, Shaun  
**Sent:** Saturday, October 31, 2015 10:41 AM  
**To:** Russo, Rebecca  
**Subject:** Re: SEPW QFRs from Sept. 16, 2015 GKM hearing

Rebecca, please raise at LT on Monday and let's make sure this gets done on time. thanks

Sent from my iPad